

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ALEXANDER CHAVARRIAGA,

Petitioner,

v.

GARY M. LANIGAN,

Respondent.

Civil Action No. 12-7700 (MAS)

MEMORANDUM AND ORDER

THIS MATTER having come before the Court on Petitioner Alexander Chavarriaga's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. It appearing that:

1. In a Memorandum Opinion and Order filed on January 24, 2013, this Court found that Count II of the habeas petition was unexhausted and stayed the habeas action pending the outcome of Petitioner's state court collateral review proceedings. However, the first count seeking immediate release was scheduled for prompt review after the State filed a response to that count of the petition. (ECF Nos. 5, 6.)

2. On March 15, 2013, this Court dismissed with prejudice Count I of the habeas petition. (ECF Nos. 16, 17.) Count II of the petition remained stayed at that time.

3. On October 17, 2013, counsel for Petitioner informed the Court that the United States Supreme Court had denied certiorari with regard to Petitioner's appeal from her New Jersey state court conviction. (ECF No. 23.) On December 6, 2013, Petitioner's counsel wrote to the Court advising that the remaining Count II is now ripe for adjudication and filed a motion for judgment on the pleadings. (ECF No. 24.)

4. On December 11, 2013, the State wrote to the Court noting that Petitioner's motion for judgment on the pleadings was premature because no order had issued directing the State to answer the petition. (ECF No. 25.)

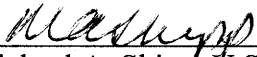
5. On May 30, 2014, the Court issued an Order re-opening this case and directing the Respondents to file an answer to the § 2254 habeas petition. (ECF No. 26.)

6. On November 5, 2014, the Court granted Respondent's request for an extension of time to file an answer, and directed Respondent to file an answer no later than November 21, 2014. (ECF No. 30.)

7. To date, more than five months past the Court's deadline, no answer has been filed.

IT IS therefore on this 4th day of May, 2015,

ORDERED that, within seven (7) days from the date of entry of this Order, Respondent shall show cause as to why the Court should not find Respondent in contempt pursuant to 18 U.S.C. § 401, for failure to comply with the Court's May 30, 2014 Order.



Michael A. Shippe, U.S.D.J.